

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

MAY 10 2005

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Richard Leon Vanderhage Case Number: 2:02CR00129-001
Name of Sentencing Judicial Officer: The Honorable Edward F. Shea
Date of Original Sentence: 4/10/2003 Type of Supervision: supervised release
Original Offense: Possession of a Firearm After a Date Supervision Commenced: October 20, 2003
Conviction for a Misdemeanor Crime of Domestic
Violence, 18 U.S.C. § 922(g)(9)
Original Sentence: Prison - 20 Months; TSR - 24 Date Supervision Expires: October 19, 2005
Months

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 21 You shall reside in a community corrections center for a period of up to 120 days. You shall not be entitled to the benefits of the prerelease component. You shall abide by the rules and requirements of that facility. You shall remain at the facility until discharged by the Court.

CAUSE

The offender's supervision began in the District of Montana on October 20, 2003. According to the offender's probation officer in Montana, the offender was doing well until May 19, 2004, when the offender was observed at a bar and was intoxicated, testing positive for alcohol. The Montana U.S. Probation Office held an intervention hearing, at which time the offender was referred to and completed residential alcohol treatment at St. Patrick's Hospital in Montana. While completing outpatient treatment, the offender again tested positive for alcohol on September 1, 2004. The offender was allowed to continue to participate in outpatient treatment. The offender was given permission to travel to Western Washington to search for employment in November 2004. The offender was unsuccessful in securing employment and traveled to a recreational vehicle park in Roslyn, Washington, in the Eastern District of Washington, to look for employment. The probation officer in Montana requested the undersign contact the offender for a random urine test and Breathalyzer as he suspected the offender may be using alcohol.

On April 23, 2005, the offender was contacted by the probation officer in Roslyn, and he submitted a urine test and Breathalyzer test, which was positive for the presence of alcohol. The probation officer observed an open beer can in the residence, which the offender's wife claimed belonged to her. After some questioning, the offender admitted he had been drinking in violation of his Court orders.

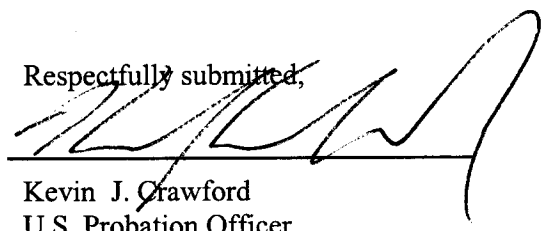
Prob 12B

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The offender has agreed to a modification of the conditions of his supervised release to add a special condition that he enter into and complete 120 days at a community corrections center. A signed wavier is enclosed for the Court's review. The probation officer recommends the Court order the modification indicated. This modification will provide consequences for the offender's noncompliance in lieu of incarceration, provide treatment in a sober environment, hopefully motivate the offender to secure employment, and separate him from his wife, who continues to drink alcohol and was the victim of multiple domestic assaults by the offender when he was drinking.

Respectfully submitted,

by

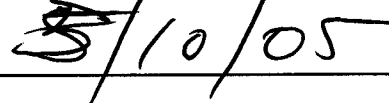

Kevin J. Crawford
U.S. Probation Officer
Date: May 9, 2005

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other


Signature of Judicial Officer

Date



United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

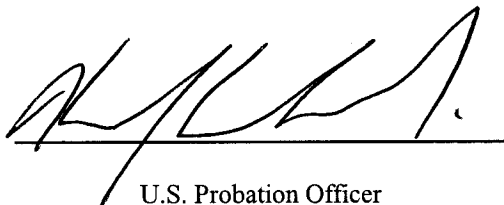
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


To modify the conditions of supervision as follows:

- 21 You shall reside in a community corrections center for a period of up to 120 days. You shall not be entitled to the benefits of the prerelease component. You shall abide by the rules and requirements of that facility. You shall remain at the facility until discharged by the Court.

Witness:


U.S. Probation Officer

Signed:


Richard Leon Vanderhage
Probationer or Supervised Releasee

April 29, 2005

Date